

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

LABORERS LOCAL UNION NOS. 472 & 172  
WELFARE AND PENSION FUNDS AND SAFETY  
EDUCATION AND TRAINING FUNDS,

*Plaintiff,*

v.

K&R SITEWORK, INC

*Defendants.*

Civil Action No.: 18-cv-1339 (PGS)

**MEMORANDUM AND  
ORDER**

This matter comes before the Court on a motion to adjudge K & R Sitework in contempt of the Court's Judgment and Order, and for the Court to impose a \$5,000 fine, and incarcerate Kenneth Wines, President of K & R Sitework for failure to satisfy the award.

Within Mr. O'Hare's affidavit, it indicates that the Court ordered Mr. Wines to appear for post-judgment discovery. Said Order and Judgment does not order same.

Although the original petition sought to confirm the entire Order of J.J. Pierson, the arbitrator (which includes post judgment discovery) the Court confirmed the amount of the award and nothing more.

The Court's view is that the arbitrator's decision to grant post-judgment discovery was premature. The petition to confirm the arbitrator's award presented no reasons that K & R Sitework would not satisfy the judgment. Moreover, Mr. Wines was not a defendant in that matter, and the arbitrator's order did not require him to appear for depositions.

Post judgment relief is a separate application after judgment has been entered, and it can only be ordered when the defendant does not timely satisfy the judgment. As such, the motion for contempt is denied; but there are sufficient facts set forth to order post-judgment discovery.

ORDER

IT IS on this 30<sup>th</sup> day of September, 2019;

ORDERED that Plaintiff's motion for contempt to hold Defendant in contempt of Court is denied; and it is further

ORDERED that Mr. Kenneth Wines shall appear for depositions with the appropriate financial documents of K&R Sitework within thirty (30) days of this Order; and it is further;

ORDERED that the attorney for Plaintiff shall personally serve this Order on Mr. Kenneth Wines within one week of this Order.



---

PETER G. SHERIDAN, U.S.D.J.